

### REMARKS

By the non-final *Office Action* of 15 July 2005, Claims 33, 35-50, 52-55, and 57-73 are pending in this Application, with all Claims being rejected.

Applicant files this *Response and Amendment* in an effort to move this case to allowance. No new matter is believed introduced by the present *Response and Amendment*. Applicant respectfully submits that the present Application is in condition for allowance for the following reasons.

#### **1. Information Disclosure Statement Submission**

Applicant submitted an information disclosure statement ("IDS") submission prior to filing this response. The IDS submission contains both electronic and paper submissions. The electronic submissions were submitted on 5 December 2005 and the paper submissions was submitted on 8 December 2005 along with the required IDS fee. Applicant respectfully requests the Examiner to review the IDS submission when reviewing this response.

#### **2. 35 U.S.C. § 103(a) Rejection Based on *Karimullah* and *Sheffer et al.***

Claims 33, 35-50, 53-55, and 58-73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Karimullah* (USPN 5,343,493) in view of *Sheffer et al.* (USPN 5,568,535). Applicant respectfully submits that Claims 33, 35-50, 53-55, and 58-73 are patentable over the cited combination for several reasons. In addition, Applicant respectfully asserts that a prima facie case of obviousness has not been set forth as required by MPEP § 2143.

First, Claims 33, 35-50, 53-55, and 58-73 are patentable over the cited combination because the cited combination fails to teach each and every claimed element and limitation. Independent Claims 33, 46, 55, 66, 72, and 73 all recite in various fashions that a telephone number is included in a transmitted signal. *Karimullah* and *Sheffer*, however, do not teach or fairly suggest such a feature. Indeed, the *Office Action* acknowledges this fact by stating: "a low power transmitter (20) can transmit a codeword *indicative* of a telephone number" when discussing *Karimullah*. Transmitting something indicative of a telephone number means that a telephone number is not transmitted. Even statements made in *Karimullah* support Applicant's position.

*Karimullah* provides a personal assistance system and method for use with a cellular communication system. *Karimullah's* system includes a transceiver that transmits a spread spectrum burst of pulses. (Col. 4, Lines 42-43). The burst of pulses includes "a service request codeword indicating a request for service from" a service provider. (Col. 4, Lines 50-55). This "service request codeword" is eventually received by a processing center (90). (Col. 7, Lines 3-6). Once the processing center receives the "service request codeword," the processing center "informs the service provider identified by the service request codeword of the nature of the request for service." (Col. 8, Lines 1-6). Then, the processing center "determines the destination number of the service provider identified by the service request codeword," and this enables a proxy cell-phone to contact the destination number. (Col. 8, Lines 19-33). In other words, the processing center determines a telephone number based on the "service request codeword." Thus, the "service request codeword" is not a telephone number because if it were, then the processing center would not need to determine the destination number of the service provider identified by the service request codeword.

*Sheffer* fails to cure *Karimullah's* above-discussed deficiencies. Even though the *Office Action* alleges that *Sheffer* transmits a "packet in addition to a telephone number," *Sheffer* does not teach or fairly suggest such a feature. Indeed, *Sheffer* discloses generating and transmitting an "alarm data packet" from a cellular alarm unit, not a low-power transmitter. (Col. 7, Lines 15-31). As *Sheffer* details, the alarm data packet includes "a unit I.D. number, system owner information, time of transmission, type of alarm and packet number." (Id.). In addition, *Sheffer's* alarm sensors do not transmit a telephone number. Thus, *Sheffer* does not teach or fairly suggest transmitting a telephone number in a signal as claimed by Applicant.

Second, the cited combination is improper and can not sustain a rejection to Claims 33, 35-50, 53-55, and 58-73. As discussed above, *Karimullah* discloses transmitting information other than a telephone number and that a processing center determines a service provider destination number based on a codeword. Similarly, *Sheffer* discloses transmitting information other than a telephone number from a cellular alarm unit. Such teachings teach away from Applicant's claimed invention because they do not transmit a telephone number providing quick access to a central station from a low-power transmitter. In addition, Applicant's currently

claimed invention is advantageous because it advantageously eliminates *Karimullah's* unnecessary process steps and *Sheffer's* required cellular alarm unit.

Third, a *prima facie* case of obviousness has not been set forth as required under MPEP § 2143. As § 2143 states, a *prima facie* case obviousness requires: (a) some suggestion or motivation to modify the references or to combine the cited references; (b) a reasonable expectation of success; and (c) the prior art references when combined must teach or suggest all the claim limitations. Applicant respectfully asserts that the *Office Action* fails to satisfy this standard. For example, the *Office Action* alleges that "transmitting of a packet, which includes a telephone number, as part of contacting a service provider is notoriously well known." This allegation can not base a § 103(a) rejection as it does in the *Office Action* because it does not satisfy § 2143's standard. Also, the *Office Action* fails to set forth a reasonable expectation of success as required by § 2143.

Accordingly, Applicant respectfully asserts that Independent Claims 33, 46, 55, 66, 72, and 73 are patentable over the cited combination. Applicant also respectfully asserts that their respective dependent claims are also allowable for the further limitations contained therein. Withdrawal of the § 103(a) rejection to Claims 33, 35-50, 53-55, and 58-73 is respectfully requested.

**3. 35 U.S.C. § 103(a) Rejection Based on *Karimullah, Sheffer et al., and Burnett***

Claims 42, 52, and 57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Karimullah*, in view of *Sheffer et al.*, and in further view of *Burnett* (USPN 5,568,535). Applicant respectfully submits that these claims are allowable over the cited combination for the reasons provided above.

Applicant respectfully asserts that *Burnett* is not prior art to Applicant's currently claimed invention because it is not prior art because it is not reasonably pertinent to the problems addressed by Applicant's claimed invention. Indeed, *Burnett* is directed toward a method and apparatus for providing network infrastructure information for a network control center, not a multi-function general purpose transceiver. Applicant respectfully asserts that one of ordinary skill attempting to solve the problems solved by Applicant's claimed invention would not turn to

*Burnett* because *Burnett* is non-analogous art since it relates to an infrastructure management computer program.

Accordingly, Applicant respectfully asserts that Claims 42, 52, and 57 are patentable over the cited combination. Withdrawal of the § 103(a) rejection to Claims 42, 52, and 57 is respectfully requested.

#### 4. Fees

Applicant believes no claims fees are due, as the total number of Claims, and independent Claims, is equal to the number of Claims paid for upon filing this Application.

This *Response to Office Action* is being filed with a three-month petition for extension of time. The Commissioner is authorized to charge the small-entity, three-month extension fee (\$510) to Deposit Account No. 20-1507.

No other fees are believed due. Authorization to charge Deposit Account No. 20-1507, however, is given should additional fees be due.

**CONCLUSION**

By the present Response and Amendment, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any questions or reservations, the Examiner is invited to telephone the undersigned Attorney, Hunter Yancey, at 404.885.3696.

Respectfully submitted,

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